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IN THE

Supreme Court of the United States

OCTOBER TERM, 1964.

No. 1069

SHERMAN H. SKOLNICK,

Petitioner,

vs.

CHARLES T. MARTIN; and ARTHUR LILLY, and CHARLES R. PERRIGO,

Respondents.

BRIEF FOR RESPONDENTS ARTHUR LILLY AND CHARLES R. PERRIGO IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI.

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STate 2-7189
Attorney for Respondents,
Arthur Lilly and Charles R. Perrigo.

The Scheffer Press, Inc.—ANdover 3-6850

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ARGUMENT.

The petitioner filed two law suits on the same date, one in the U.S. District Court for the Northern District of Illinois, Eastern Division and one in the Superior Court of Cook County, Illinois. The Complaints were identical as to identity and alignment of parties and contained identical charges of alleged wrongdoing. The state court case was dismissed in the trial court and said dismissal affirmed by the Supreme Court of Illinois, pursuant to a State Statute that permits a dismissal of a state case where another action is pending for the same cause between the same parties.

The Supreme Court of Illinois in its opinion interpreted the language of its Statute and found that the causes filed by this petitioner were identical and determined that plaintiff is entitled to his day only in one Court at a time. The Illinois Court also stated that petitioner's "brief and argument presented are insufficient to raise substantial or debatable constitutional questions."

CONCLUSION.

Since no constitutional question was involved, merely a question of an interpretation of a Statute prohibiting multiplicity of suits, the petition for a Writ of Certiorari should be denied.

Respectfully submitted,

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